

CENTRAL INFORMATION COMMISSION

Appeal No.CIC/WB/A/2007/00285 dated .2007

Right to Information Act 2005 – Section 19

Appellant - Shri Upendra Kumar

Respondent - Council for Scientific & Industrial Research (CSIR)

Facts:

By an application of 28.8.06 Shri Upendra Kumar of MTNL Colony, New Delhi sought the following information from PIO, CSIR:

- “1. Let me know under which rule I have been reimbursed as per CS (MA) rates when the entire staff of HRDC has been reimbursed medical claim at CGHS rates as according to GOI OM No. S14015/10/2001-MS dated 31.12.20025 regarding medical reimbursement no distinction has been made between treatment in normal cases and in emergent cases.
2. What action has been taken on my following representations?
Representation dated 20.01.06, 27.02.06 to Head, HRDC.
Representation dated 24.02.06, 28.03.06 through proper channel to CSIR.
Representation dated 24.04.06, 03.07.06 through proper channel to CSIR.
3. I may be provided with copy of the noting portion relating to my above representation.
4. Name of the officer responsible for the inordinate delay.
5. CSIR is considering to implement CS (MA) rules instead of CGHS rules for its staff. At what rates are the bills proposed to be regulated in case of emergent treatment in private hospital.”

To this he received a pointwise response dated 23.10.06 from Dr. Daljit Singh Bedi, CPIO, CSIR, HQ. Not satisfied with this response Shri Upendra Kumar moved his first appeal before Dr. Naresh Kumar, Head RDBT CSIR pleading inadequacy in the response to paras 1, 3 & 4.

In his response Dr. Naresh Kumar through a letter of 20.12.06 decided as follows:

“First of all, I may inform you that there is no provision under the RTI Act, 2005 for the redressal of grievances or mechanism for ascertaining the correctness or other wise of the decision (s).

In case you are not satisfied with the interpretation of certain Rules by the Public Authority in your case, you may appeal/ approach the next higher authority, if you7 so desire, by following the prescribed procedure.

However, I am asking the PIO, CSIR to offer you the inspection of CSIR File as demanded by you in Para-3 of your appeal.”

Shri Upendra Kumar’s prayer before us is as below:

- a) The copy of the noting portion of the action taken by CSIR on the letter dated 31.03.2006 forwarded by OSD HRDC to CSIR.
- b) The copy of the noting on the basic of which the decision of HRDC OM No. 3-1 (3)/2002-Estt dated 31.03.2006 was arrived and the copy of approval of competent authority for issue of OM.
- c) Name of the person responsible for the inordinate delay.”

The appeal was heard on 12.5.08. The following are present:

Appellant

Shri Upendra Kumar.
Shri Vikram Singh.

Respondents

Dr. Naresh Kumar, AA.
Dr. Daljit S. Bedi, CPIO.
Shri Hari Mohan, RTI Consultant.
Shri R. K. Dhar, AO.
Shri Subhash Chander, SO.

Dr. Daljit Singh Bedi, CPIO submitted that the CSIR has provided the reasons for the delay in reimbursement but has held no official responsible. It is,

therefore, not possible for the CSIR to fix responsibility in consequence of a request for information. He also affirmed that copies of all file notings with regard to the information sought have been provided. At any rate, if appellant felt that there was some noting which had not been provided he had been invited by First Appellate Authority to inspect the records. In this context, a copy of letter of 15.1.08 was also shown to us fixing 19.1.08 as the date for inspection.

Appellant Shri Upendra Kumar on the other hand submitted that there was a contradiction in the response provided by CPIO Dr. Bedi in that he had stated that action has been taken while at the same time holding that the official responsible was on maternity leave. He has further contended that from the Xerox copies received the particular file notings cited in his second appeal has not been disclosed.

In his comments Dr Naresh Kumar, 1st appellate authority has expressed umbrage at appellant Shri Upendra Kumar ascribing motives to him in arriving at the decision that he has, which was taken with due regard for what he perceived as the requirements of the law

DECISION NOTICE

Having heard the arguments and perused the files we find that CPIO Dr. Bedi had indeed provided all the information as held by the CSIR and sought by appellant Shri Upendra Kumar to appellant to the extent understood by the CPIO. However, as clarified by the First Appellate Authority if there is further information on the same subject, sought by appellant Shri Upendra Kumar, he is welcome to examine the records and obtain the necessary copies.

We find that information as held by CSIR had indeed been provided to appellant Shri Upendra Kumar. If there is further information that he seeks as a result of information obtained, he is free to seek it u/s 19(3). However, such

action is obviated by the invitation of the public authority, therefore, with the decision of the appellate authority to inspect the documents for himself and, either ask for any further information not provided or satisfy himself that all the information held by the public authority had indeed been provided to him. In this context, Dr. Naresh Chandra FAA has invited appellant Shri Upendra Kumar to visit the CSIR offices on any day from the week starting 14.5.08 with two days' notice. Appellant Shri Upendra Kumar is advised to avail of this offer in order to obtain the information that he had sought.

We have also noted the justified indignation of Dr Naresh Chandra at the intemperate wording of the references to him in 2nd appeal. Appellant Shri Upendra Kumar is welcome to seek what information he needs from any public authority, but calumny can is not appreciated

With the above directions, the appeal is dismissed. Announced in the hearing.

Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
12.5.2008

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(Pankaj Shreyaskar)
Joint Registrar
12.5.2008